

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK


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PARK AVE. PODIATRIC CARE,	:	<b><u>ORDER DISMISSING CASE</u></b>
	:	
Plaintiff,	:	
	:	22 Civ. 10312 (AKH)
-against-	:	
	:	
CIGNA HEALTH AND LIFE INS. CO.,	:	
	:	
Defendant.	:	
-----	x	
ALVIN K. HELLERSTEIN, U.S.D.J.:		

On March 13, 2023, I granted Defendant's motion to dismiss since Plaintiff's claims were preempted by ERISA, and ordered that "[f]ailing to replead timely will be basis for dismissal of the action." ECF No. 19. On August 15, 2023, Plaintiffs "respectfully decline[d] the invitation to file an Amended Complaint to assert a claim for benefits under" ERISA. ECF No. 33. And on June 26, 2024, the mandate of the Second Circuit issued, affirmed my decision dismissing Plaintiff's Complaint.

Accordingly, the Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: June 26, 2025  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge